

Application No: 10/666,860 Docket No.: Q137-US3

Page 5

REMARKS

Claims 1-19, 29-66, and 68-77 were previously canceled. A duplicate claim 79 is canceled in this amendment and re-written as new claim 83. Claims 20-21, 25-28, and 67 were previously presented. Claims 22-24 are currently amended. Claims 78-82 are original. Accordingly, claims 20-28, 67, and 78-83 are pending examination.

Rejection of Claims Under 35 USC §101

Claims 20-28, 67, 78-82 are rejected under 35 USC §101 as claiming the same invention as claims 39-41, 71-80 of co-pending Application No. 10/666,873 (the cited claims). MPEP §804.02 (I) provides that a rejection for the statutory type of double patenting is overcome when the claims are not coextensive.

Independent claim 39 of Application No. 10/666,873 specifies that “a portion of a first electrode strip is positioned between the mandrel and the pin.” However, claims 20-28, 67, 78, 78-80, and 82 of this Application have no such requirement and accordingly have a different scope. Additionally, independent claim 20 of this Application specifies “connecting a first end of a first-electrode strip to a pin.” However, claims 39-41 and 71-78, and 80 of Application No. 10/666,873 have no such requirement and accordingly have a different scope. As a result, the cited claims are “not coextensive in scope” with the pending claims. Since the cited claims are not coextensive in scope with the pending claims, the cited claims do not support a rejection for “same invention” type double patenting.

Application No: 10/666,860 Docket No.: Q137-US3

Page 6

CONCLUSION

The Examiner is encouraged to telephone or e-mail the undersigned with any questions.



Travis Dodd
Reg. No. 42,491
Agent for Applicant(s)

Quallion LLC
P.O. Box 923127
Sylmar, CA 91392-3127
818-833-2003 ph
818-833-2065 fax
travisd@quallion.com